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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,360	01/30/2001	Christopher J. Chase	2000-0660	1500
7590	02/08/2005		EXAMINER MURPHY, RHONDA L .	
Samuel H. Dworetsky AT&T CORP. ONE AT& T WAY ROOM 2A-207 BEDMINSTER, NJ 07921			ART UNIT 2667	PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/772,360

Applicant(s)

CHASE ET AL.

Examiner

Rhonda Murphy

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This communication is responsive to the amendment filed on November 19, 2004. The Office records indicate the previous action was mailed as a Non-Final office action. The applicant's amendment was inadvertently submitted as a response to a Final office action. Accordingly, claims 1-18 and 20-25 have been canceled and claim 19 is currently pending in this application.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baum et al. (US 6,771,673) in view of Stoner et al. (US 6,052,383) and Tsukamoto et al (US 6,498,794).

**Regarding claim 19**, Baum discloses an Ethernet protocol network comprising a plurality of platforms (**aggregation unit 1010**) coupled to an infrastructure (see Fig. 8), each platform serving at least one customer for statistically multiplexing frames onto the infrastructure from said one customer (col. 17, lines 33-36) and for statistically de-multiplexing frames off the infrastructure to the one customer (it is known in the art that a multiplexed frame is de-multiplexed to recover the original signal) wherein each

platform sending a frame overwrites said frame with a customer descriptor that identifies the sending customer (col. 8, lines 17-22; col. 16); and routes the frame on a path obtained by mapping the customer descriptor to such path (col. 8, lines 30-31).

Baum fails to explicitly disclose the receiving platform mapping the customer descriptor through an ATM switch router to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits.

However, Stoner discloses the receiving platform (Fig. 1, LAN interface means 19) mapping the customer descriptor (ATM packets inherently include customer descriptors – source and destination information - so as to identify customers sending and receiving packets) through an ATM switch router (ATM interface means 17) to a corresponding one of a plurality of Frame Relay and ATM Permanent Virtual Circuits (ATM line 3).

In view of this, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the system of Baum by mapping the customer descriptor through an ATM router to an ATM PVC, in order to create a point-to-point link between two recipients that wish to communicate with each other (col. 1, lines 19-21).

Moreover, Baum fails to explicitly disclose the infrastructure as being a fiber ring infrastructure.

However, the fiber ring infrastructure of the above mentioned limitations is taught by Tsukamoto in col. 5, lines 59-62; **a ring network composed of optical fiber.**

In view of this, having the teachings of Baum and Stoner, and then given the teaching of Tsukamoto, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Baum and Stoner's system with Tsukamoto's fiber ring infrastructure, so as to obtain the benefits associated with utilizing a fiber infrastructure to transmit at an optimal rate.

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\*Schzukin (US 6,643,265) discloses an apparatus for and method of releasing stuck virtual circuits in an asynchronous transfer mode network.

\*Jha (US 6,847,644) discloses a hybrid data transport scheme over optical networks.

\*Dawson et al. (US 6,782,503) discloses generating a signature to add to a test packet to achieve a target check value.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rlm



KENNETH VANDERPUYE  
PRIMARY EXAMINER